



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**

VIA FAX AND  
 CERTIFIED MAIL  
 RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF

July 13, 2000

**EPA Region 5 Records Ctr.**



**227067**

Timothy Ramsey  
 Piper, Marbury, Rudnick & Wolf  
 203 North LaSalle Street  
 Suite 1800  
 Chicago, Illinois 60601-1293

John T. Smith II  
 Covington and Burling  
 1201 Pennsylvania Avenue N.W.  
 Washington, D.C. 20004-2401

Re: Lindsay Light II/Offsite Radioactive Materials in Parking Lot at the Grand,  
 McClurg, and Ohio Streets in Chicago, IL.

Dear Mr. Ramsey and Mr. Smith:

The purpose of this letter is to confirm our conversations regarding presence of thorium contamination at the vacant lot located at the northwest corner of McClurg Court and East Grand Avenue, Chicago, Illinois and referred to as the GMO lot, and that is owned by the Teachers' Retirement System of the State of Illinois. We believe this radioactive material is associated with the Lindsay Light II removal site located directly across East Grand Avenue and is subject to the provisions of the CERCLA §106 unilateral administrative order issued June 6, 1996 to Chicago Dock & Trust and to Kerr McGee Chemical Corporation and amended on March 29, 2000 (the "Lindsay Light UAO").

The Lindsay Light UAO in Section V. (Order), Paragraphs 3. and 3.1 Work requires the Respondents to perform certain tasks including:

- 3 a. Develop and implement a Site Health and Safety Plan.
- 3 b. Develop and implement Site security measures.
- 3 f. Transport and dispose of all characterized or identified hazardous substances , pollutants, wastes, or contaminants at a RCRA/CERCLA/IDNS-approved disposal facility in accordance with the

U.S. EPA off-site policy.

- 3 g. Conduct off-site surveying and sampling as necessary and, at a minimum, implement the standards of 40 Code of Federal Regulations ("CFR") 192, if deemed necessary should contamination be discovered beyond current site boundaries.

- 3.1 Submit a work plan for the removal actions described in Section 3.

Recently, the Teachers' Retirement System gave U.S. EPA a copy of an environmental assessment that indicated the presence of elevated levels of radioactive thorium at the GMO lot. U.S. EPA confirmed the presence of the elevated radiation levels with a scan van "driveover" and a walkover gamma radiation surveys the week of June 17, 2000. As a result of this discovery, U.S. EPA requests, in accordance with the Lindsay Light UAO, that the Teachers' Retirement Systems does not conduct any activities that may disturb or remove the existing asphalt cover over the GMO lot until a U.S. EPA-reviewed health and safety plan is implemented for the lot. U.S. EPA also reiterates its verbal request that, until a health and safety plan is implemented, if any sampling is conducting at the GMO lot, that the Teachers' Retirement System give U.S. EPA at least two days prior notice of the proposed sampling. U.S. EPA further requests that Kerr-McGee develop a work plan for the GMO site assessment and cleanup. I have explained that the procedures U.S. EPA approved for the Lindsay Light II site assessment and cleanup may be transferred to the offsite contamination, with accommodations for differing site conditions. Also, please note that while presently Teachers' Retirement System is not subject to the Lindsay Light UAO, it can not interfere or undertake any cleanup action at the facility inconsistent with the Lindsay Light UAO per the provisions of the Section 122(e) (6) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA").

Although Kerr-McGee has asked that U.S. EPA also address River East L.L.C. and Grand Pier L.L.C. in this request to comply with the Lindsay Light UAO, at this time U.S. EPA is declining Kerr-McGee's request. While facts may be developed later that demonstrate the other Lindsay Light UAO Respondents may also be liable for the response activities at the GMO property, at this time U.S. EPA is not aware of such information. I hope that we can schedule a meeting to discuss this matter further. If the Teachers' Retirement System is unwilling or unable to comply with the actions described in this letter, please advise my co-counsel, Jose DeLeon, or me immediately. Please call if you have any questions.

Sincerely,



Mary L. Fulghum  
Associate Regional Counsel  
(312) 886-4683

cc: Jose DeLeon, ORC  
Vincent S. Oleszkiewicz, Baker and McKenzie  
Frederick Mueller, Johnson & Bell  
Mort Ames, Corporation Counsel  
bcc: Debbie Regel, Enforcement Specialist  
Verneta Simon, OSC  
Fred Micke, OSC  
Larry Jensen, HP